

## **REMARKS**

Applicants respectfully request entry of the amendment and reconsideration of the claims. Claim 56 has been amended to further clarify the invention. Claims 70-71, 73 and 75 have been amended to correct grammatical errors. Support for the amendment can be found throughout the specification, including at page 25, lines 14-19; page 31, lines 23-30; page 58, line 23 to page 59, line 33; page 63, line 26 to page 64 line 2; page 94, lines 11-18; page 100, lines 1-9; and page 105, line 27 to page 106, line 3. After entry of the amendment, claims 56 and 69-76 will be pending.

### **Obviousness-type Double Patenting**

The Examiner provisionally rejected claims 56 and 69 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 9, and 10 of copending Application No. 10/824,075. Applicants respectfully request that this rejection be held in abeyance until notice of allowable subject matter.

### **35 U.S.C. § 102(e)**

Claims 56, and 69-76 were rejected under 35 U.S.C. 102(e) as being anticipated by Olsen *et al.* (US2002004237A1, filed on Oct. 27, 1999). The Examiner alleges the Olsen reference teaches methods for treatment or disorders associated with neovascularization, including administering an antibody or antigen binding fragment thereto, including antagonists or agonist antibodies. Applicants respectfully traverse.

As discussed previously, Applicants do not agree that the Olsen *et al* reference anticipates 56 and 69-76. Applicants hereby submit a Declaration of the inventors under 37 C.F.R. § 1.131. In the Declaration, the inventors indicate that they invented the subject matter described and claimed in this application before October 27, 1999. Therefore, Applicants submit that the Olsen reference should not be considered to be prior art to this application, and respectfully request withdrawal of the rejection.

For at least that reason, the Olsen *et al.* reference does not anticipate Applicants' claims, and Applicants need not address the Examiner's contentions regarding the Olsen reference. In

not addressing the Examiner's contention, Applicants do not acquiesce to those contentions. Accordingly, Applicants respectfully request withdrawal of this rejection under § 102(e).

**35 USC § 112, first paragraph**

The Examiner rejected claims 56, and 69-76 are under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges part (b) of Claim 56 does not meet the written description requirement. Although Applicants do not agree with the propriety of the rejection, in order to advance prosecution, part (b) of claim 56 has been amended to recite a method for inhibiting angiogenesis in a mammal comprising administering an effective amount of an antibody or antigen-binding fragment that specifically binds an immunogenic fragment of an amino acid sequence of SEQ ID NO:76, wherein the fragment comprises at least 30 contiguous amino acids of SEQ ID NO:76 and can generate or select an antibody that specifically binds the polypeptide comprising the amino acid sequence of SEQ. ID NO:76 . Applicants reserve the right to pursue the canceled subject matter in a continuation application.

Applicants submit claim 56 as amended fully complies with the written description requirement. Withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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